

## **BOOKS RECEIVED\***

### **ABA Section of International Law and Practice Publications**

#### **The ABA Guide to International Business Negotiations: A Comparison of Cross-Cultural Issues and Successful Approaches**

Edited by James R. Silkenat and Jeffrey M. Aresty. Chicago, Illinois: co-published by the Law Practice Management Section and the International Law and Practice Section of the American Bar Association, 1994, pp. xii, 237, \$74.95 (Section members), \$84.95 (nonmembers) (pb) [ISBN 0-89-707-955-8].

These articles focus on cross-cultural negotiations and place particular emphasis on the practical and theoretical aspects of international practice. This work is intended to help attorneys avoid the obstacles caused by cultural and legal variations inherent in international negotiations. Part I focuses on the general national, legal, and cultural issues present when negotiators are from different countries. Part II addresses specific aspects of international business negotiations in seventeen countries. Each chapter is written by an expert with extensive contacts with the jurisdiction in question. These experts share their knowledge and experiences on: international interest-based negotiations, multinational commercial agreements, and the selection of foreign attorneys. Included is a checklist of commonly asked questions in the international negotiations process.

#### **Counseling Emerging Companies in Going International**

Edited by Alan S. Gutterman. Chicago, Illinois: American Bar Association, 1994, pp. xv, 663, \$69.00 (Section members), \$80.00 (nonmembers) (pb) [ISBN 0-89707-962-0].

---

\*Prepared by Steven T. Holmes, J.D. Candidate, 1995, Southern Methodist University. Editor-in-Chief, Southern Methodist University School of Law Student Editorial Board, *THE INTERNATIONAL LAWYER*.

Addressing one of the most consistent and growing areas of modern legal practice, this compilation of essays provides a practical and concise overview of the key legal and business considerations that lawyers should take into account when counseling their clients on establishing operations in foreign countries. This book provides a summary of some basic strategies for operating in foreign markets, important foreign legal restrictions, government assistance programs, and country-specific studies written by practitioners in those countries.

## **The North American Free Trade Agreement: A New Frontier in International Trade and Investment in the Americas**

Edited by Judith H. Bello, Alan F. Holmer, and Joseph J. Norton. Chicago, Illinois: co-published by the International Law and Practice Section of the American Bar Association and *The International Lawyer*, 1994, pp. v, 435, \$65.00 (Section members), \$85.00 (nonmembers) (pb) [ISBN 0-89707-977-9].

This collection of essays provides a concise and practical overview and analysis of the most significant portions of the North American Free Trade Agreement. The editors devote special attention to those chapters of the treaty thought to be of greatest practical significance in the long-term future. Much of the material in this work was reprinted from *The International Lawyer* NAFTA Symposium issue (vol 27, no.3) and the 1994 NAFTA Symposium held in Dallas and co-sponsored by *The International Lawyer* and the ABA Section of International Law and Practice.

## **Report of the Delegation to Argentina and Chile: New Opportunities for Exporters and Investors in the Fastest Growing Economies of South America**

Edited by David E. Dubberly. Chicago, Illinois: American Bar Association (ILEX Briefing Monograph Series #8), 1993, pp. ii, 80, \$29.00 (Section members), \$40.00 (nonmembers) (pb) [ISBN 0-89707-986-8].

Compiled from the report of the ILEX delegation to Argentina and Chile, this work provides an overview of the delegation's evaluation of the domestic investment and legal climates in Argentina and Chile. The report highlights these countries' efforts concerning privatization, investment liberalization, and legal reform with an eye toward the possibility of an expanded South American free trade area. The report also contains the delegations' evaluation

of briefings provided by U.S. ambassadors, government officials responsible for economic policy and foreign investment, attorneys involved with domestic stock markets, and the Chief Justices of the Chilean and Argentinean Supreme Courts.

## **General Publications**

### **Claims to Statehood in International Law**

By Nii Lante Wallace-Bruce. New York, New York: Carlton Press, Inc., 1994, pp. xviii, 255, \$18.95 (hc) [ISBN 08062-4305-8].

An expansion on the author's Master's thesis in international law, this work evaluates the principles relating to international statehood by thoroughly analyzing several recent and prominent claims to statehood. Based on detailed case studies of these claims to statehood, the author tests the legitimacy of these claims against the modern framework of rules of statehood and recognition in international law. The author also provides alternate solutions and recommendations for statehood claims that are unable to satisfy modern legal requirements.

### **Courts, Politics, and Culture in Israel**

By Martin Edelman. Charlottesville, Virginia: University Press of Virginia, 1994, pp. xi, 169, \$28.50 (hc) [ISBN 0-8139-1507-4].

Based on the assumption that courts are important agencies of government and have an interactive relationship with the society's political culture, this work describes the origins of Israel's courts and places them in the context of Israel's unique history. The author, Professor of Political Science at the State University of New York in Albany, examines the pressures thrust upon Israel's Supreme Court to define a legal and political culture in the absence of a written constitution or modern practices of judicial review. The author clearly explains the pressures created by Israel's attempts to accommodate the interests of orthodox and nonorthodox Jews, Muslims, and Druzes. Because Israel does not have an integrated judicial system, the author addresses the courts of the fourteen recognized religions, and the civil and military courts, in an attempt to determine whether these courts adequately protect human rights while fostering the development of a common, inclusive

national culture. A study in comparative constitutionalism and judicial politics, the book provides an understanding of the complex tensions affecting the Israeli judicial system.

## **EC Telecommunications Law**

By Nicholas Higham and Leonie Gordon. New York, New York: John Wiley & Sons, Inc. (1-800-US-Wiley) , 1993, pp. xvii, 582, \$235.00 (one looseleaf volume, updated) [ISBN 0471-93696-0].

Written by partners from a European-based law firm active in the telecommunications and intellectual property sectors, this reference provides comprehensive coverage of EC directives and forthcoming legislative proposals. Topics covered include a review of the rapid evolution of the EC telecommunications sector, liberalization and harmonization, public procurement, competition, standards, and data protection. The authors provide commentary and analysis of key measures designed to improve liberalization and harmonization throughout the European Community.

## **The Environment After Rio: International Law and Economics**

Edited by Luigi Campiglio, Laura Pineschi, Domenico Siniscalco, and Tullio Treves (on behalf of the Istituto per l'Ambiente). London, U.K.: Graham & Trotman Limited, 1994, pp. xvi, 285, \$105.00, £65.00, Dfl. 208.00 (hb) [ISBN 1-85333-949-0].

Part of the International Environmental Law & Policy Series, this collection of articles evaluates the effectiveness of the United Nations Conference on Environment and Development held in Rio de Janeiro in June 1992 through material presented at a subsequent Congress on "the Environment after Rio" held at Courmayer, Italy, February 11-13, 1993. In Part I, the authors consider the relationship between economic growth and the protection of the environment. Part II addresses the declarations and conventions adopted at the Rio Conference. Part III evaluates the prospects for future environmental protection in light of evolving principles of international environmental law.

## **Essays in International Litigation and the Conflict of Laws**

By Lawrence Collins. New York, New York: Oxford University Press, 1994, pp. lii, 466, \$75.00 (hc) [ISBN 0-19-825732-5].

This comprehensive volume offers a selection of the author's cogent and well-documented essays written over a twenty-five-year period with introductory prefaces detailing significant subsequent developments. Topics addressed include: provisional and protective measures in international litigation; the exercise of extraterritorial jurisdiction and forum non conveniens; forum selection; the Hague Evidence Convention; the U.K. approach to blocking and clawback provisions; contract and tort choice of law interaction; and contractual obligations in light of recent EEC draft conventions.

## **European Journal of Law and Economics**

Edited by Jürgen G. Backhaus and Frank H. Stephen. Boston, Massachusetts, and Dordrecht, The Netherlands: Kluwer Academic Publishers, 1994, four issues per year, \$179.50, Dfl. 344.00 (institutions), \$95.00, Dfl. 225.000 (individuals) (subscription price includes postage and handling) (pb) [ISBN 0923-1261].

In this inaugural volume, the editors establish a pragmatic forum for the improvement of legal economic theory informed by the academic history of law and economics and the current challenges this discipline faces. The editors' goal is to facilitate the improvement of legal economic practices, institutions, and traditions by providing answers to posited questions or proposals for improving policy. Published quarterly, the journal provides a forum for discussion of legal economic theory relating to the areas of public choice, property rights, evolutionary economics, and new institutional economics. This issue contains articles entitled "Court Errors," "Expected Damage and Due Care," "Institutional Law and Economics," and "The Economic Analysis of Public Law."

## **The Flame Rekindled: New Hopes for International Arbitration**

Edited by Sam Muller and Wim Mijs. Dordrecht, The Netherlands, London, U.K., and Boston, Massachusetts: Martinus Nijhoff Publishers, 1994, pp. xv, 213, \$89.00, £61.00, Dfl. 155.00 (hc) [ISBN 0-7923-2659-8].

A special issue of the *Leiden Journal of International Law* with a preface written by Dr. Boutros Boutros-Ghali. This book provides an in-depth analysis and assessment of issues related to peaceful means of dispute settlement between states. Special emphasis is placed on the role of the Permanent Court of Arbitration and the prospects for other arbitral institutions in the international arena. Also addressed: the essence of international arbitration; private parties and the Permanent Court of Arbitration; the role of the Interna-

tional Court of Justice; African perspectives on international commercial arbitration; and enforcement of arbitral awards against nation-states.

## **The Indonesian Law of Treaties 1945–1990**

By Ko Swan Sik. Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1994, pp. xxiv, 227, \$122.50, £84.00, Dfl. 215.00 (hc) [ISBN 0-7923-2693-8].

Although the author provides some useful introductory and historical materials, this work is primarily intended for use as a comprehensive index of Indonesian treaties ratified during the latter part of the twentieth century. The author notes that since no official, comprehensive collection of Indonesian treaties exists, this work is intended to make this basic data available as a reference tool to develop an understanding of the Indonesian international position and its international rights and duties. The index contains basic data concerning multilateral and bilateral treaties to which Indonesia has been involved from its inception in 1945, with numerous references to sources where the full treaties may be found.

## **Intellectual Property Laws & Procedure in India**

By Singhanian & Co, Solicitors & Advocates. New Delhi, India: Singhanian & Co, Solicitors & Advocates, 2d ed., 1992, pp. iii, 72, \$30.00, £20.00, and Rs 120.00 (spiral bound paperback).

Intended to assist in developing an understanding of the basic nature and levels of protection granted to the owners of foreign trademarks, patents, and copyrights in India. The authors provide a brief overview of the boundaries of intellectual property law in India and the resultant opportunities for trade, foreign collaboration, technology transfer and equity participation in India. The work also contains relevant extracts from Indian Acts, Rules, and Forms.

## **Investors' Environmental Guidelines: Bulgaria, Czech Republic and Slovak Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania**

Developed by the European Bank for Reconstruction and Development and the European Community's PHARE Program. London, U.K.: Graham & Trotman Limited, 1994, pp. xxiii, 540, \$130.00, £75.00, Dfl. 235.00 (hb) [ISBN 1-85333-961-X].

This work provides an overview of environmental requirements in nine European countries that are in the process of transition from central planning to market economies. Designed to yield practical information for those considering private sector investment in central and eastern Europe, this work is part of a larger program relating to the implications of the harmonization of environmental legislation and regulations between western and eastern Europe. The authors address the following issues in each country: environmental liability; environmental audits; land use planning; environmental impact assessments; integrated permitting requirements, water requirements, and noise requirements applicable to the operation of industrial and commercial facilities; hazardous and nonhazardous waste management; and chemicals storage, handling, and emergency response.

## **Mergers and Joint Ventures in Europe: The Law and Policy of the EEC**

By Frank L. Fine. London, U.K.: Graham & Trotman / Martinus Nijhoff Publishers, 2d ed., 1994, pp. xliii, 778, \$203.00, £125.00, and Dfl. 400.00 (hc) [ISBN 1-85333-714-5].

Part of the European Business Law & Practice Series, this expanded second edition examines the application of the EEC competition rules to changes in corporate structure, to joint ventures, and to all forms of permissible industrial cooperation. The author pays particular attention to the EEC anti-trust provisions, the Merger Regulation and related Commission case law, and the application of article 85 of the Treaty of Rome. The author's legislative and judicial references are useful and clearly set forth in the book's indices, tables, and appendices.

## **The Practitioner's Deskbook Series: NAFTA Final Text, Summary, Legislative History & Implementation Directory**

By James R. Holbein and Donald J. Musch. New York, London, and Rome: Oceana Publications, Inc., 1994, pp. iv, 1044, \$59.95 (pb) [ISBN 0-379-00835-1].

This work contains the full text of the North American Free Trade Agreement and all annexes and side agreements to date. In addition, the authors provide very introductory sections including: a guide to relevant U.S. legislative history; a section by section summary of the NAFTA;

a NAFTA implementation resource guide including names and phone numbers of direct contacts; and a listing of official contacts and inquiry points established by each NAFTA signatory. The book is accompanied by an IBM compatible 3.5" diskette with the full text of the NAFTA and its side agreements.

## **New Legal Foundations for Global Survival: Security Through the Security Council**

By Benjamin B. Ferencz. Dobbs Ferry, New York: Oceana Publications, Limited, 1994, pp. xii, 469, \$45.00 (hc) [ISBN 0-379-21207-2].

Written by the former Chief Prosecutor for the United States in the Nuremberg war crimes trials, this work critically evaluates the positive and negative aspects of the prevailing international legal order and offers recommendations for increased effectiveness of the U.N. Security Council. In his attempt to provide a blueprint for the protection of basic human rights, the author suggests proposals for the codification of new international structures empowered with the authority to enforce laws requiring social justice. Part I analyzes the origins and practices of prevailing international legal systems. Part II challenges the current system of global management. In Part III, the author postulates his specific proposals for improvement of the world legal order.

## **Problems & Process: International Law and How We Use It**

By Rosalyn Higgins. Oxford, U.K.: Clarendon Press, 1994, pp. xxvii, 274, \$35.00, (hc) [ISBN 0-19-825767-8].

Taken from the revised text of the author's General Course in International Law at the Hague Academy, this book clearly illustrates the practical aspects of basic international law and its role in addressing difficult and unresolved modern problems. The author's essays attempt to illustrate the distinction between international law as a system of neutral rules and international law as a system of value-oriented decision making. Rather than focus on several specific facets of international law, the author describes the international legal framework as more than just dispute resolution; it is a pragmatic process which, once integrated, is helpful in the resolution of complex modern issues.



## Renewing the United Nations System

By Erskine Childers with Brian Urquhart. New York, New York and Uppsala, Sweden: The Ford Foundation and the Dag Hammarskjöld Foundation, 1994, pp. 213, free (pb) [ISSN 0345-2328].

A Journal of International Development Dialogue publication, this work is the fourth in a series of studies to improve the complete system of the United Nations. The authors evaluate the present state of the United Nations system and suggest changes and reforms designed to allow the U.N. to function in a more systematic and effective manner.

## Shareholders' Liability

Edited by Dennis Campbell and Jennifer Powers. Dordrecht, The Netherlands, 1994, pp. xviii, 505, \$155.00, £90.00, and Dfl. 280.00 (hc) [ISBN 1-85966-048-7].

A Special Issue of the *Comparative Law Yearbook of International Business*, published under the auspices of the Center for International Legal Studies. This collection of essays provides an overview of the protection of shareholders' rights in selected jurisdictions in Europe, North America, and Asia. Issues addressed include: the division of shareholder-director authority; classes of shareholders; shareholder voting rights; access to corporate information; and derivative suits.

## Spanish Yearbook of International Law: Vol. 1, 1991

Edited by the Asociación Española de Profesores de Derecho Internacional y Relaciones Internacionales (The Spanish Association of Professors of International Law and International Relations). Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1994, pp. xvi, 388, \$148.00, £100.00, and Dfl. 250.00 (hc) [ISBN 0-7923-2017-4].

Translated from Spanish, this work provides the international lawyer with useful information about Spanish legislation, treaties, events and publications occurring during a one-year period and relating to the areas of public and private international law.

